

Memorandum



Date: March 7, 2006

Agenda Item No. 4 (P)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Ordinance Establishing Procurement Procedures for Contracts Related to
Projects Funded In Whole or In Part by Building Better Communities General
Obligation Bond Program Funds

RECOMMENDATION

It is recommended that the of County Commissioners enact the attached ordinance establishing procurement procedures for contracts related to projects funded in whole or in part by Building Better Communities (BBC) General Obligation Bond Program funds. Pursuant to the provisions of the proposed ordinance, municipalities with projects funded in whole or in part by BBC General Obligation Bond Program funds, may use their own procurement procedures.

Also, not-for-profit organizations with projects funded in whole or in part by BBC General Obligation Bond Program funds would also use their own procurement procedures. By exception, not-for-profit organizations shall be governed by County procurement policies in projects where the County owns the facility or the not-for-profit organization operates the facility on behalf of the County.

BACKGROUND

The BBC General Obligation Bond Program provides funding for specifically designated projects throughout incorporated and unincorporated Miami-Dade County. Recipients of these funds included both municipalities and not-for-profit organizations with diverse procurement practices and procedures. This ordinance is recommended to clarify that these funds shall be used only in accordance with those policies and procedures. By exception, not-for-profit organizations shall be governed by County procurement policies in projects where the County owns the facility or the not-for-profit organization operates the facility on behalf of the County.

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Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 7, 2006

FROM: Murray A. Greenberg
County Attorney

A handwritten signature in cursive script, appearing to read "Murray A. Greenberg", is written over the printed name of the County Attorney.

SUBJECT: Agenda Item No. 4(P)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(P)

3-7-06

ORDINANCE NO. _____

ORDINANCE ESTABLISHING PROCUREMENT
PROCEDURES FOR CONTRACTS RELATED TO PROJECTS
FUNDED IN WHOLE OR IN PART BY BUILDING BETTER
COMMUNITIES GENERAL OBLIGATION BOND PROGRAM
FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE
CODE AND EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated in this Ordinance by this reference,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The Code of Miami-Dade County, Florida is amended by adding the following new section as Section 2-8.2.10:¹

>>Section 2-8.2.10 Procurement policy as to contracts related to projects funded in whole or in part by Building Better Communities General Obligation Bond Program Funds.

- (1) Notwithstanding and prevailing over any other provision of the Code of Miami-Dade County, Florida to the contrary, as to contracts related to municipal projects funded in whole or in part by Building Better Communities General Obligation Bond Program funds, municipalities shall use their own procurement procedures, including bid waivers where permitted by municipal ordinance.
- (2) Notwithstanding and prevailing over any other provision of the Code of Miami-Dade County,

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double-arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Florida to the contrary, as to contracts related to projects funded in whole or in part by grants to not-for-profit organizations of Building Better Communities General Obligation Bond Program funds (provided such projects are not for facilities owned by the County or operated by the not-for-profit organization on behalf of the County), not-for-profit organizations shall use their own procurement procedures, including bid waivers.

- (3) All applicable provisions of the Miami-Dade County Code shall continue to apply to all contracts related to not-for-profit projects funded in whole or in part by Building Better Communities General Obligation Bond Program funds where the County owns the facility or the not-for-profit organization operates the facility on behalf of the County. By exception, a not-for-profit organization may for a specified project seek an exemption from the application of any of these requirements in advance of procuring the required goods or services. The Commission, upon the written recommendation of the County Manager, may by a two-thirds (2/3) vote of the members present, grant such an exemption when it finds it to be in the best interest of the County.<<

Section 2. Section 2-1076 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Section 2-1076 Office of the Inspector General.

* * *

- (d) *Functions, authority and powers.*

(6) The Inspector General may, on a random basis, perform audits, inspections and reviews of all County Contracts. The cost of random audits, inspections and reviews shall, except as provided in (a)-~~[(a)]~~ >>(o)<< in this subsection (6) be incorporated into the contract price of all contracts and shall be one-quarter (1/4) of one (1) percent of the contract price (hereinafter "IG contract fee"). The IG contract fee shall not apply to the following contracts:

* * *

- (m) Federal, state and local government-funded grants;
[[and]]
- (n) Interlocal agreements [[-]]>>, and
- (o) Grant Agreements granting not-for-profit organizations Building Better Communities General Obligation Bond Program funds.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

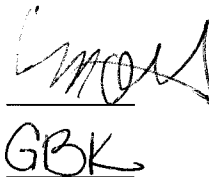
Section 5. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Geri Bonzon-Keenan



GBK